

SUPPORT FOR THE AMENDMENT

This Amendment cancels Claims 4-5 and 12-13; and amends Claims 1 and 6. Support for the amendments is found in the specification and claims as originally filed. In particular, support for Claims 1 and 6 is found in canceled Claims 4 and 12 and in the specification at Table 4. No new matter would be introduced by entry of these amendments.

Upon entry of these amendments, Claims 1, 6 and 14-19 will be pending in this application. Claim 1 is independent. Claims 6 and 14-16 are withdrawn from consideration pursuant to Restriction Requirement.

REQUEST FOR RECONSIDERATION

Applicants respectfully request entry of the foregoing and reexamination and reconsideration of the application, as amended, in light of the remarks that follow.

Applicants thank the Examiner for the indication in the Final Rejection at page 6, line 5, regarding the results shown in the Request for Reconsideration filed July 25, 2007, that "[t]he examiner agrees said results are unexpected". The claims have been amended to be more commensurate in scope with the results.

The present invention provides a pure titanium material more resistant to secular discoloration than conventional titanium materials. Specification at page 3, lines 8-10.

Claims 1, 4-5 and 17-19 are rejected under 35 U.S.C. § 103(a) over XP 00227868 ("XP-686") and ASM Handbook, vol. 2, page 1169 ("ASM") and further in view of JP 10-008234 ("JP-234").

In addition, Claims 1, 4-5 and 17-19 are rejected under 35 U.S.C. § 103(a) over JP 09-003573 ("JP-573") in view of JP-234.

XP-686 discloses high purity electrolytic titanium containing 0.009% Fe and iodide titanium containing 0.002% Fe. XP-686 discloses that an oxide film can form on titanium that leads to changes in surface color.

ASM discloses electrolytic titanium and iodide titanium having a Fe impurity limit of 0.009% and 0.002%, respectively.

JP-573 discloses pure titanium containing, by weight, Fe, Ni, and Cr in amounts satisfying  $100 \leq \text{Fe} \leq 600$ ,  $100 \leq \text{Ni} + \text{Cr} \leq 700$ , and  $\text{Fe} + \text{Ni} + \text{Cr} \leq 1000$  (unit: ppm), and also containing inevitable impurities. English-language machine translation of JP-573 at abstract.

JP-234 discloses preventing the generation of discoloration of outdoor titanium over a long period of time by regulating the surface roughness of the titanium to  $\leq 3 \mu\text{m}$  by the center line average roughness Ra and by regulating the thickness of the oxidized coating on the surface to  $\geq 20 \text{ \AA}$ . English-language machine translation of JP-234 at abstract.

Any *prima facie* case of obviousness based on the cited prior art is rebutted by the significant improvement in resistance to secular discoloration that is achieved by the present invention when, in accordance with independent Claim 1, "the titanium material is produced by a process that includes a finishing process comprising pickling the titanium; and heating the pickled titanium at a temperature X ( $^{\circ}\text{C}$ ) in a range of from  $130^{\circ}\text{C}$  to  $280^{\circ}\text{C}$  for a time T (minutes) so that  $T \geq 239408 \times X^{-2.3237}$ ". The significant improvement in secular discoloration resistance that is achieved by the present invention is shown in the specification at Tables 3-4, reproduced below.

Table 3

Heating process	Heating conditions			$239408 \times X^{2.3237}$
	Heating temperature (°C)	Soaking time (min)		
(A)	130	3	Atmospheric	2.93
(B)	130	20	Atmospheric	2.93
(C)	130	60	Atmospheric	2.93
(D)	130	120	Atmospheric	2.93
(E)	200	1.1	Atmospheric	1.08
(F)	200	20	Atmospheric	1.08
(G)	200	60	Atmospheric	1.08
(H)	200	120	Atmospheric	1.08
(I)	280	0.5	Atmospheric	0.49
(J)	280	20	Atmospheric	0.49
(K)	280	60	Atmospheric	0.49
(L)	280	120	Atmospheric	0.49
(M)	130	120	Vacuum	2.93
(N)	200	120	Vacuum	1.08
(O)	280	120	Vacuum	0.49
(P)	130	2	Atmospheric	2.93
(Q)	200	0.5	Atmospheric	1.08
(R)	280	0.2	Atmospheric	0.49
(S)	280	150	Atmospheric	0.49

Table 4

Specimen No.	Fe content (% by mass)	Nb content (% by mass)	Co content (% by mass)	Finishing process	Heat treatment process	$\Delta E^*$
46	0.06	0.001	0.001	Pickling	(A)	0.4
47	0.06	0.001	0.001	Pickling	(B)	0.4
48	0.06	0.001	0.001	Pickling	(C)	0.3
49	0.06	0.001	0.001	Pickling	(D)	0.3
50	0.06	0.001	0.001	Pickling	(E)	0.4
51	0.06	0.001	0.001	Pickling	(F)	0.3
52	0.06	0.001	0.001	Pickling	(G)	0.3
53	0.06	0.001	0.001	Pickling	(H)	0.2
54	0.06	0.001	0.001	Pickling	(I)	0.3
55	0.06	0.001	0.001	Pickling	(J)	0.3
56	0.06	0.001	0.001	Pickling	(K)	0.2
57	0.06	0.001	0.001	Pickling	(L)	0.2
58	0.06	0.001	0.001	Pickling	(M)	0.4
59	0.06	0.001	0.001	Pickling	(N)	0.3
60	0.06	0.001	0.001	Pickling	(O)	0.3
61	0.03	0.001	0.001	Pickling	(A)	0.3
62	0.03	0.001	0.001	Pickling	(B)	0.2
63	0.03	0.001	0.001	Pickling	(C)	0.2
64	0.03	0.001	0.001	Pickling	(D)	0.2
65	0.03	0.001	0.001	Pickling	(E)	0.2
66	0.03	0.001	0.001	Pickling	(F)	0.2
67	0.03	0.001	0.001	Pickling	(G)	0.2
68	0.03	0.001	0.001	Pickling	(H)	0.1
69	0.03	0.001	0.001	Pickling	(I)	0.2
70	0.03	0.001	0.001	Pickling	(J)	0.1
71	0.03	0.001	0.001	Pickling	(K)	0.1

72	0.03	0.001	0.001	Pickling	(L)	0.1
73	0.03	0.001	0.001	Pickling	(M)	0.2
74	0.03	0.001	0.001	Pickling	(N)	0.2
75	0.03	0.001	0.001	Pickling	(O)	0.2
76	0.06	0.001	0.001	Pickling	(P)	0.7
77	0.06	0.001	0.001	Pickling	(Q)	0.7
78	0.06	0.001	0.001	Pickling	(R)	0.7
79	0.06	0.001	0.001	Pickling	(S)	0.1
80	0.03	0.001	0.001	Pickling	(P)	0.6
81	0.03	0.001	0.001	Pickling	(Q)	0.6
82	0.03	0.001	0.001	Pickling	(R)	0.6
83	0.03	0.001	0.001	Pickling	(S)	0

In Table 3, Heating Processes P, Q and R were carried out at soaking times that did *not* satisfy the independent Claim 1 relation  $T \geq 239408 \times X^{-2.3237}$ . Table 4 shows that Specimen Nos. 76, 77 and 78, which underwent one of Heating Processes P, Q and R, respectively, and were produced in conditions outside of the scope of Claim 1, each exhibits an inferior color difference  $\Delta E^*$  of 0.7, and relative poor secular discoloration resistance.

In Table 3, Heating Processes A, B and C were carried out at soaking times that did satisfy the independent Claim 1 relation  $T \geq 239408 \times X^{-2.3237}$ . Table 4 shows that Specimen Nos. 46, 47 and 48, which underwent one of Heating Processes A, B and C, respectively; were produced in conditions within the scope of Claim 1; and have the same Fe, Nb and Co contents as Specimen Nos. 76, 77 and 78, each exhibits a color difference  $\Delta E^*$  of 0.3 or 0.4, indicating significantly improved secular discoloration resistance.

A material having  $\Delta E^*$  of 0.4 can clearly be distinguished from that having  $\Delta E^*$  of 0.7. Thus, the reduction in  $\Delta E^*$  from 0.7 to 0.4 indicates a significant improvement in resistance to secular discoloration.

The cited prior art fails to suggest the improved resistance to secular discoloration that is achieved by the product-by-process of the present invention. Thus, any *prima facie* case for the obviousness of the claimed invention is rebutted. As a result, the rejections under 35 U.S.C. § 103(a) should be withdrawn.

Pursuant to MPEP § 821.04, after independent product Claim 1 is allowed, Applicants respectfully request, rejoinder, examination and allowance of withdrawn method Claims 6 and 14-16, which include all of the limitations of product Claim 1.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance. Applicants respectfully request favorable consideration and prompt allowance of the application.

Should the Examiner believe that anything further is necessary in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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